

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

**November 2012 Grand Jury
(Impaneled November 8, 2012)**

The United States of America

INDICTMENT

-VS-

DAWN NGUYEN

Violations:

18 U.S.C. §§ 922(a)(6), 922(d)(1) &
922(g)(3)

(3 Counts)

COUNT 1

**(Making False Statements in Relation to
Acquisition of Firearms)**

The Grand Jury Charges That:

On or about the 6th day of June 2010, in the Western District of New York, the defendant, **DAWN NGUYEN**, in connection with the acquisition of firearms, that is, one (1) Bushmaster .223 caliber semi-automatic rifle, bearing serial number BFI650937, and one (1) Mossberg 12 gauge shotgun, Model 500, bearing serial number T546254, from Gander Mountain, a licensed dealer within the meaning of Chapter 44 of Title 18, United States Code, did knowingly make false and fictitious statements which were intended and likely to deceive Gander Mountain as to facts material to the lawfulness of the sale of said firearms to the defendant, **DAWN NGUYEN**, under Chapter 44 of

Title 18, United States Code, in that the defendant, **DAWN NGUYEN**, represented on an ATF Form-4473 (1) that she was not an unlawful user of, or addicted to, marijuana, and (2) that she was the actual transferee and buyer of the firearms, when in fact, as the defendant then well knew, (1) she was an unlawful user of marijuana, and (2) she was acquiring the firearms on behalf of another person.

All in violation of Title 18, United States Code, Sections 922(a) (6) and 924(a) (2) .

COUNT 2
(Disposition of Firearms to a Convicted Felon)

The Grand Jury Further Charges That:

On or about the 6th day of June 2010, in the Western District of New York, the defendant, **DAWN NGUYEN**, knowingly sold and otherwise disposed of firearms, namely, one (1) Bushmaster .223 caliber semi-automatic rifle, bearing serial number BFI650937, and one (1) Mossberg 12 gauge shotgun, Model 500, bearing serial number T546254, to William Spengler, knowing and having reasonable cause to believe that William Spengler had previously been convicted of a crime punishable by imprisonment for a term exceeding one year.

All in violation of Title 18, United States Code, Sections 922(d) (1) and 924(a) (2) .

COUNT 3

(Possession of Firearms by an Unlawful Drug User)

The Grand Jury Further Charges That:

On or about the 6th day of June 2010, in the Western District of New York, the defendant, **DAWN NGUYEN**, then being an unlawful user of marijuana, a Schedule I controlled substance, did knowingly and unlawfully possess, in and affecting commerce, firearms, namely, one (1) Bushmaster .223 caliber semi-automatic rifle, bearing serial number BFI650937, and one (1) Mossberg 12 gauge shotgun, Model 500, bearing serial number T546254.

All in violation of Title 18, United States Code, Sections 922(g) (3) and 924(a) (2) .

DATED: Rochester, New York, March 14, 2013.

WILLIAM J. HOCHUL, JR.
United States Attorney

By: S/BRET A. PUSCHECK
BRET A. PUSCHECK
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
500 Federal Building
Rochester, New York 14614
(585)263-6760, ext. 23932
Bret.puscheck@usdoj.gov

A TRUE BILL:

S/FOREPERSON
FOREPERSON